

FILED

IN THE DISTRICT COURT OF THE UNITED STATES MAY 25 2005
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA)

v.)

WILLIE JAMES BOSWELL,
TINKIEWON LASHUA BERRY,
and UWANA FABIUM ROBINSON)

CRIM. NO. 2:05CR131-A
[18 USC § 2; 21 USC § 846,
844(a) and 18 USC § 924(c)]

INDICTMENT

The Grand Jury charges that:

COUNT 1

From on or about the 6th day of April, 2005 until the 8th day of April, 2005, in
Montgomery County, within the Middle District of Alabama, the defendants,

WILLIE JAMES BOSWELL,
TINKIEWON LASHUA BERRY, and
UWANA FABIUM ROBINSON,

each aided and abetted by the other, did knowingly and intentionally attempt, conspire,
combine and agree with each other and with other persons unknown to the Grand Jury to
possess with intent to distribute 500 grams or more of a mixture and substance containing
a detectable amount of cocaine hydrochloride, a Schedule II Controlled Substance, in
violation of Title 18, United States Code, Section 2, Title 21, United States Code, Section
841(a)(1), all in violation of Title 21, United States Code, Section 846.

COUNT 2

On or about the 8th day of April, 2005, in Montgomery County, within the Middle
District of Alabama, the defendant,

WILLIE JAMES BOSWELL,

did knowingly and intentionally possess marijuana, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 844(a).

COUNT 3

On or about the 8th day of April, 2005, in Montgomery County, within the Middle District of Alabama, the defendant,

WILLIE JAMES BOSWELL,

used and carried a firearm during and in relation to and possessed a firearm in furtherance of a drug trafficking crime for which he may be prosecuted in a Court of the United States, to-wit: conspiracy to possess with the intent to distribute cocaine hydrochloride as charged in Count 1 of this Indictment, in violation of Title 18, United States Code, Section 924(c)(1).

Forfeiture Allegation - 1

A. Counts 1 through 3 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for violation of Title 21, United States Code, Sections 841 and 846 as alleged in Count 1 of this indictment, the defendants, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count 1 of this Indictment, including but not limited to the following:

Thirty-Seven Thousand Eight Hundred Thirty Dollars (\$37,830) in United States currency seized on April 8, 2005 from Willie James Boswell.

C. If any of the forfeitable property described in this forfeiture allegation, as a

result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the forfeitable property, all in violation of Title 21, United States Code, Sections 841, 846, and 853.

FORFEITURE ALLEGATION -2

A. Counts 1 through 3 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Section 924(c)(1), as alleged in Count 3 of this indictment the defendant, Willie James Boswell, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense including, but not limited to, the following:

One Glock, Model 26, Semi-Auto, Serial Number EPZ338US.

C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

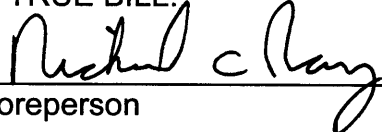
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or,

(5) has been commingled with other property which cannot be divided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the property described in Paragraph B above, all in violation of Title 18, United States Code, Section 924.

A TRUE BILL:


Foreperson


LEURA GARRETT CANARY
United States Attorney


JOHN T. HARMON
Assistant United States Attorney


A. CLARK MORRIS
Assistant United States Attorney